

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Jul 24, 2014

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoke Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1121 for Iredell Subdivision.

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: \_\_\_\_\_

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Mary C. Carter

Date: Jul 23, 2014

RESOLUTION NO. 14-\_\_\_\_\_

WHEREAS, Bryant Bank issued a certain letter of credit (No. 1121), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to Bryant Bank Letter of Credit No. 1121, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 24th day of July, 2014.

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President of the City Council  
of the City of Huntsville,  
Alabama

APPROVED this the 24th day of July, 2014.

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Mayor of the City of  
Huntsville, Alabama

# BRYANT BANK

Amendment To  
IRREVOCABLE STANDBY LETTER OF CREDIT NO.1121

Beneficiary:

City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

Account Party:

Concord Development Co., Inc  
1806 University Drive  
Huntsville, AL 35801

Bank:

Bryant Bank  
415-H Church Street  
Suite 100  
Huntsville, AL 35801

**Subject:** Article 5 Sidewalk, Letter of Credit for Iredell  
Subdivision Phase 1

Amount: \$44,240.00

Issued: 08/15/2013

Expires: 08/15/2014

*MS*  
*8/15/13*

Gentlemen:

We hereby Amend & Restate our Irrevocable Standby Letter of Credit in your favor, effective 08/15/2013 for the sum not to exceed the aggregate of \$44,240.00. Available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to Bryant Bank, 415-H Church Street, Suite 100, Huntsville, AL 35801.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

**The original of the Letter of Credit must be presented with any drawing.**

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

Bryant Bank

*Kenneth D Watson*

Kenneth D Watson  
President

*OK*  
*CEIT*  
*8/26/13*

*MW* 8-16-13

*OK*  
*8/22/13*

*3000*  
*661.45*

*Unbeatable Service. Legendary Results.*

5/10/12

**IRREVOCABLE LETTER OF CREDIT NO. 1121**  
**AMENDED & RESTATED AS OF 08/15/2012**

**Beneficiary:**

City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

**Account Party:**

Concord Development Co., Inc  
1806 University Drive  
Huntsville, AL 35801

**Bank:**

Bryant Bank  
415-H Church Street  
Suite 100  
Huntsville, AL 35801

**Subject:** Article 5 Sidewalk Letter of Credit for  
Iredell Subdivision Phase I

Amount: \$ 128,400.00  
Issue Date: 08/15/2012  
Expiration Date: 08/15/2013

Gentlemen:

We hereby Amend & Restate our Irrevocable Standby Letter of Credit in your favor, effective 08/15/2012, for a sum not to exceed the aggregate of \$128,400.00. Available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to Bryant Bank, 415-H Church Street, Suite 100, Huntsville, AL 35801.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

**The original of the Letter of Credit must be presented with any drawing.**

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

Bryant Bank

  
Mike Johnston  
Senior Vice President

N 9-4-12

OK  
9/10/12

MS 9/5/12

OK  
9/10/12

*Unbeatable Service. Legendary Results.*

**IRREVOCABLE LETTER OF CREDIT NO. 1121**

**Beneficiary:**

City of Huntsville  
P.O. Box 308  
Huntsville, AL 35804

**Account Party:**

Concord Development Co., Inc  
1806 University Drive  
Huntsville, AL 35801

**Bank:**

Bryant Bank  
415-H Church Street  
Suite 100  
Huntsville, AL 35801

**Subject:** Article 5 Sidewalk, Letter of Credit for  
Iredell Subdivision Phase 1

Amount: \$ 136,595.20  
Issue Date: 08/15/2011  
Expiration Date: 08/15/2012

*MS*  
*8/15/11*

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective 8/15/2011, for a sum not to exceed the aggregate of \$136,595.20. Available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to Bryant Bank, 415-H Church Street, Huntsville, AL 35801.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

**The original of the Letter of Credit must be presented with any drawing.**

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

Bryant Bank

*Kenneth D. Watson*

Kenneth D. Watson  
President

*OK*  
*CE 18*  
*8/22/11*

*via KCA 8/19/11*